

Congress of the United States
House of Representatives
Washington, DC 20515

December 4, 2018

The Honorable Virginia Foxx
Chairwoman
Committee on Education and the Workforce
2176 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Bobby Scott
Ranking Member
Committee on Education and the Workforce
2101 Rayburn House Office Building
Washington, D.C. 20515

Chairwoman Foxx and Ranking Member Scott,

We, the undersigned Members of Congress, wish to raise concerns regarding a number of allegations and news reports exposing the alleged disturbing treatment of employees at facilities across the United States managed by a company named XPO Logistics, and we urge the Committee on Education and the Workforce to bring forth transparency for the public by looking into, investigating, and calling for, if deemed necessary, relevant stakeholders to testify before the Committee.

In two recent stories^{1,2}, *The New York Times* and *The Los Angeles Times* published the history of alleged pregnancy discrimination, sexual harassment, suppression of efforts to organize, efforts to evade labor regulations by misclassifying truck drivers, and unsafe and hazardous working conditions in violation of federal labor and safety standards at XPO Logistics.

An October 31, 2018 investigative report³ by *PBS NewsHour* further corroborated the reporting of the *New York Times*.

In 2010, New Breed Logistics, a company that distributed Verizon products and that XPO subsequently acquired, was sued by the Equal Employment Opportunity Commission (EEOC) over sexual harassment claims and retaliation against workers in the Memphis facility where a jury rendered a verdict⁴ that the company was in violation of Title VII and more than \$1.5 million was awarded in back pay, compensatory damages, and punitive damages for the discrimination of victims. In just the last year, over a dozen individuals have filed EEOC claims against XPO Logistics, many of which are pending, on similar grounds lending credence to the concern that unsafe labor standards have continued under XPO's management.

¹ Percannella, Aurora, *The Los Angeles Times*, "Under a new law, retailers share liability for misclassified truck drivers at California Ports", <http://www.latimes.com/business/la-fi-truck-drivers-20180925-story.html>

² Silver-Greenberg, Jessica, *The New York Times*, "Miscarrying at Work: The Physical Toll of Pregnancy Discrimination", <https://www.nytimes.com/interactive/2018/10/21/business/pregnancy-discrimination-miscarriages.html?action=click&module=Top%20Stories&pgtype=Homepage>

³ *PBS News Hour*, "When workplace conditions put women's pregnancies at risk", <https://www.pbs.org/newshour/show/when-workplace-conditions-put-womens-pregnancies-at-risk>

⁴ U.S. Equal Employment Opportunity Commission, Press Release. "Jury Awards More Than \$1.5 Million in EEOC Sexual Harassment and Retaliation Suit against New Breed Logistics", <https://www.eeoc.gov/eeoc/newsroom/release/5-10-13a.cfm>

In its October 21 article², *The New York Times* detailed several accounts of women who had received medical recommendations from their doctors urging their patients' employers to shift pregnant workers toward less physically strenuous work, specifically to reduce the risk of miscarriage. Still, a disturbing number of women have recounted their miscarriages after engaging in the work at XPO Logistics' facilities. As the *New York Times* also pointed out, current federal law falls short in ensuring clear protections for pregnant employees. We urge your committee to consider the Pregnant Workers Fairness Act, which would make clear that employers must provide reasonable accommodations to pregnant workers, unless it would pose an undue hardship on the business.

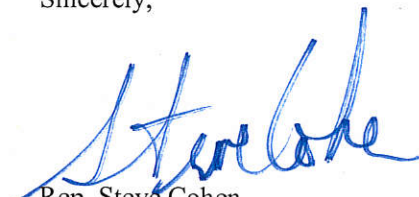
According to the *Los Angeles Times*¹, XPO Logistics at the ports of Los Angeles, Long Beach and Oakland, California is also alleged to be engaged in misclassifying short-haul truck drivers as independent contractors rather than employees, rendering thousands of truck drivers ineligible for unemployment benefits, disability pay or workers' compensation.

As one of the world's top ten logistics companies, XPO's footprint includes facilities across the United States including California, Tennessee, Connecticut, Arkansas, Michigan, Ohio, Illinois, North Carolina, Maryland, Pennsylvania, New York, New Jersey, South Carolina, Indiana, Florida, Mississippi, Louisiana, Wisconsin, Iowa, Texas, Washington, Utah, and Arizona. Their contracts span a wide array of clients that include Disney, Cummins and Verizon. Additionally, the company enjoys significant revenue from federal contracts including contracts with the United States Postal Service and the Department of Defense.

Hundreds and thousands of workers could be at risk at XPO Logistics facilities if the aforementioned allegations are accurate. While the current issues raised may be local and isolated, further investigation and oversight should be executed to ensure that hundreds and thousands of workers, nationwide, are not at further risk.

We strongly urge the House Committee on Education and the Workforce to investigate this matter swiftly, hold a hearing on the Pregnant Workers Fairness Act, take all necessary actions to provide XPO an opportunity for transparency to the American public, and ensure that XPO Logistics remains in full compliance with federal regulatory standards.

Sincerely,



Rep. Steve Cohen
Member of Congress



Rep. Rosa DeLauro
Member of Congress

CC:
House Judiciary Committee Ranking Member, Rep. Jerrold Nadler

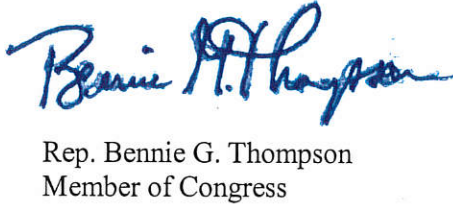
¹ Percannella, Aurora, *The Los Angeles Times*, "Under a new law, retailers share liability for misclassified truck drivers at California Ports", <http://www.latimes.com/business/la-fi-truck-drivers-20180925-story.html>


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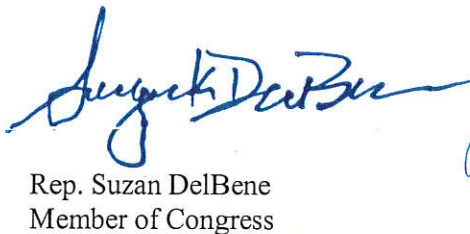

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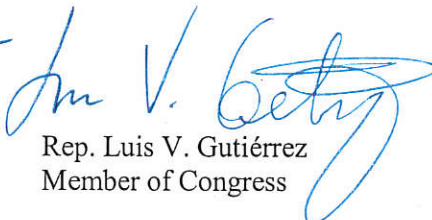

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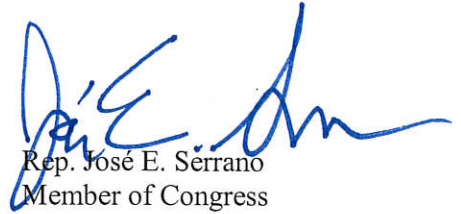

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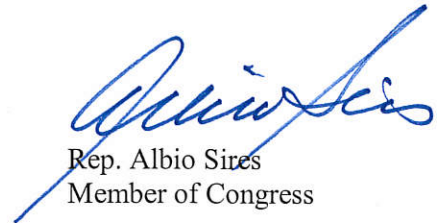
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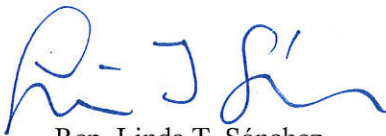
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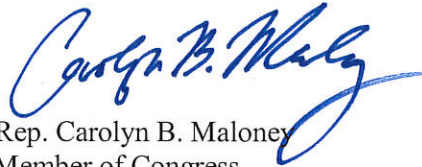
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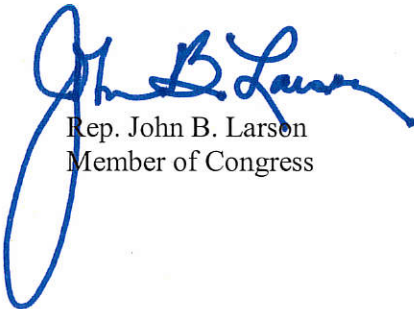
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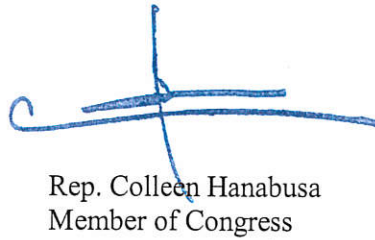
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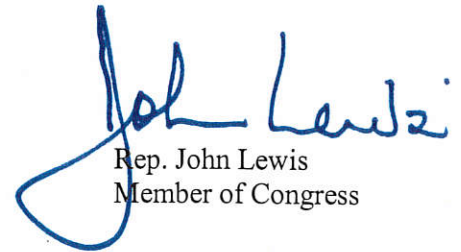
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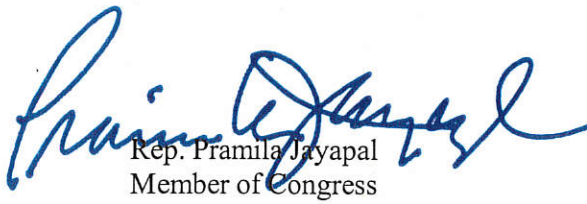
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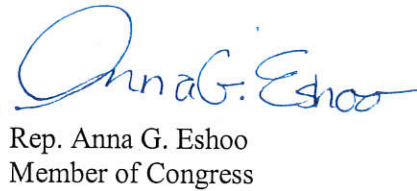
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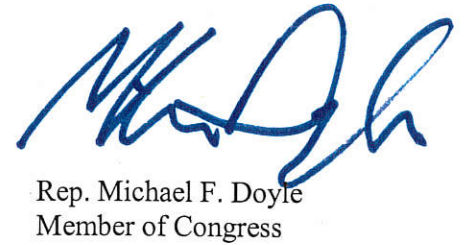

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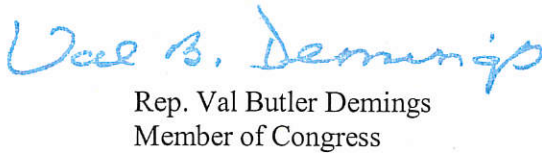

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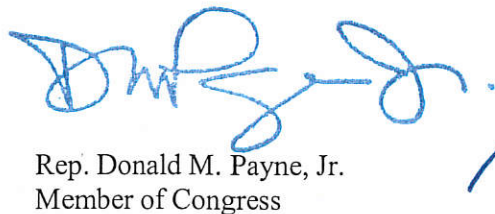

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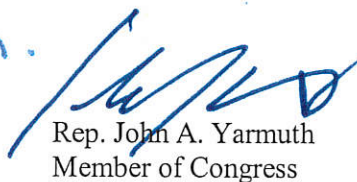

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